

Amendment under 37 CFR §1.111  
Attorney Docket No.: 062452  
Application No.: 10/595,913

### REMARKS

Claims 1-4 and 6-11 are pending in the present application. Claims 1 and 6 are herein amended. New claims 9-11 have been added. Claim 5 has been cancelled.

As a preliminary matter, Applicants understand that the certified copy of the priority application was received although box 12(a) was not marked on the Office Action summary.

Claims 1-5, 7 and 8 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,569,980. Applicants respectfully traverse the rejection.

The presently claimed invention is directed to a curable resin composition which comprises a polyoxyalkylene polymer containing at least one reactive silyl group in each molecule, 5 to 50 parts by weight of a hydrocarbon-based plasticizer per 100 parts by weight of and 10 to 200 parts by weight of a needle crystal filler on the same basis, wherein the needle crystal filler is selected from the group consisting of sepiolite, wollastonite and a needle crystal-type calcium carbonate.

U.S. 6,569,890 relates to a curable resin composition which comprises an organic polymer having at least one reactive silicon group in one molecule, an amino group-substituted silane compound, an epoxy group-substituted silane compound and an epoxy resin.

The Office Actions states that "inorganic fibers would cover such compounds as asbestos, glass fiber and carbon fibers, and wollastonite and sepiolite are silica compounds". However, U.S. Patent No. 6,569,980 does not disclose or claim the above embodiments as the inorganic

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fibers and silica compounds. Thus, U.S. Patent No. 6,569,980 cannot disclose the specific needle crystal filler of the present invention.

Therefore, Applicants respectfully submit that the claims of the present invention are patentably distinct from claims 1—8 of U.S. Patent No. 6,569,980.

Claims 1-6 and 8 were rejected under 35 U.S.C. §102(b) as being unpatentable over Nishimura et al. (US 6,300,404). Applicants respectfully traverse the rejection in view of the amendments made herein.

The presently claimed invention is directed to a curable resin composition which comprises a polyoxyalkylene polymer containing at least one reactive silyl group in each molecule, 5 to 50 parts by weight of a hydrocarbon-based plasticizer per 100 parts by weight of and 10 to 200 parts by weight of a needle crystal filler on the same basis, wherein the needle crystal filler is selected from the group consisting of sepiolite, wollastonite and a needle crystal-type calcium carbonate.

Nishimura discloses a curable polymer composition comprising an oxyalkylene polymer having a silicon-containing group and a paraffinic hydrocarbon. Nishimura does not disclose the specific needle crystal filler of the present invention.

Therefore, the composition of the present invention is neither disclosed nor suggested by Nishimura et al. Applicants respectfully submit that the present invention is novel over Nishimura et al.

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Claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura et al. (US 6,300,404) in view of either or both of Katayama et al. (US 5,164,172) and/or Fairchild et al. (US 6,022,517). The Applicants respectfully traverse the rejection.

The presently claimed invention is directed to a curable resin composition which comprises a polyoxyalkylene polymer containing at least one reactive silyl group in each molecule, 5 to 50 parts by weight of a hydrocarbon-based plasticizer per 100 parts by weight of and 10 to 200 parts by weight of a needle crystal filler on the same basis, wherein the needle crystal filler is selected from the group consisting of sepiolite, wollastonite and a needle crystal-type calcium carbonate.

Nishimura discloses a curable polymer composition comprising an oxyalkylene polymer having a silicon-containing group and a paraffinic hydrocarbon. Nishimura does not disclose the specific needle crystal filler of the present invention.

Katayama discloses a process for producing acicular aragonite calcium carbonate crystal. Katayama teaches that calcium carbonate crystal may be used as a thickener.

Fairchild discloses a process for the preparation of clustered calcium carbonate crystals having acicular calcite and acicular aragonite. Fairchild teaches that the calcium carbonate crystal may be used as an additive to impart reinforcing property, rigidity and impact strength.

As discussed above, Nishimura does not disclose the specific needle crystal filler of the present invention. In Katayama, the calcium carbonate is used as a thickener and in Fairchild it is an additive to impart reinforcing property, rigidity and impact strength.

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The curable resin composition of the present invention can be highly extruded from a cartridge, and even upon application thereof to vertical adherent surfaces, can exercise its initial fixability to fix the substrate in an instant. The conventional prior art shows that it was difficult to achieve both extrudability and initial fixability simultaneously. Thus, the present invention achieves both extrudability and initial fixability simultaneously over the prior art.

Each of the cited references as well as the combined reading of the cited references would not suggest to one of ordinary skill in the art at the time of invention that one could achieve the properties of the present invention, simultaneous extrudability and initial fixability.

Applicants respectfully traverse the rejection because one of ordinary skill in the art would not have discovered the present invention based on a combined reading of the cited references. Consequently, the present invention is unobvious over Nishimura, Katayama and Fairchild.

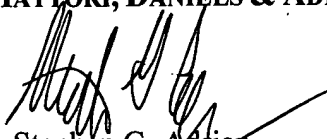
In view of the aforementioned amendments and accompanying remarks, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Stephen G. Adrian', is written over the printed name.

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